

Notice of Allowability

Application No.

10/519,170

Examiner

Patricia L. Hailey

Applicant(s)

GREEN ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' remarks and amendments filed on February 15, 2007.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Applicants' remarks and amendments, filed on February 15, 2007, have been carefully considered. No claims have been canceled or added; claims 1-19 remain pending in this application.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Applicants' Priority Document was filed on December 20, 2004.

Withdrawn Objections and Rejections

The Objection to claim 8 stated in the previous Office Action has been withdrawn in view of Applicants' amendment thereto.

The 102(b) rejection of claims 1, 2, 4-9, 11, and 13-17 as being anticipated by White et al. (U. S. Patent No. 5,672,558) stated in the previous Office Action has been withdrawn in view of Applicants' persuasive arguments traversing this rejection.

The 102(b) rejection of claims 1, 9, and 10 as being anticipated by Sugier et al. (U. S. Patent No. 3,787,332) stated in the previous Office Action has been withdrawn in view of Applicants' persuasive arguments traversing this rejection.

The 103(a) rejection of claims 18 and 19 as being anticipated by White et al. (U. S. Patent No. 5,672,558) stated in the previous Office Action has been withdrawn in view of Applicants' persuasive arguments traversing this rejection.

Allowable Subject Matter

Claims 1-19 are allowed.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The prior art of record does not teach or suggest the claimed method of producing a catalyst or catalyst precursor containing carbon, wherein a liquid mixture of (1) at least one catalyst support or support precursor, (2) at least one metal-containing compound, and (3) at least one polar organic compound acting as solvent for (2) is prepared, said liquid mixture comprising 0 to 20 wt. % water (based on the total weight of the mixture), said mixture is converted to a solid paste or residue, and the residue is combusted in an oxygen-containing atmosphere to at least partially convert the organic compound to carbon and to form said supported catalyst or catalyst precursor.

The prior art of record does not teach or suggest the partial conversion of the organic compound, such that carbon is present in the final supported catalyst or catalyst precursor. See, for example, col. 2, lines 46-60 of White et al., which discloses that the solvents "*are inert in the context of the process of the instant invention and easily removed by drying (evaporation) and/or by combustion during calcination.*" (emphasis added by the Examiner), and col. 3, lines 63-68 of Sugier et al., which discloses the "thermal decomposition of the precursor to an oxide", as well as Examples 8-13 of this reference.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

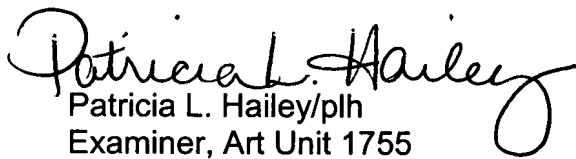
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

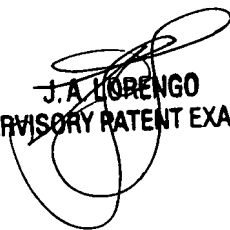
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia L. Hailey/plh
Examiner, Art Unit 1755
May 21, 2007


J. A. LORENZO
SUPERVISORY PATENT EXAMINER